



March 25, 2005

ENGROSSED SENATE BILL No. 307

DIGEST OF SB 307 (Updated March 23, 2005 6:31 pm - DI 73)

Citations Affected: IC 6-1.1; IC 6-3.5; IC 8-22; IC 36-3; noncode.

Synopsis: Marion County local government. Provides that the general law concerning approval of budgets and tax levies of appointed boards does not apply to certain entities in Marion County that are covered by another statute. Requires the city-county council in Marion County to review the proposed operating and maintenance budgets and tax levies of the entities and to adopt final operating and maintenance budgets and tax levies for them. Authorizes the city-county council to reduce or modify but not increase an entity's proposed operating and maintenance budget or tax levy. Prohibits the city-county council from reducing or modifying an entity's budget or tax levy in a manner that would impair the rights of bondholders. Provides that proposed operating and maintenance budget and tax levy of a taxing unit that is located within an excluded city or town shall be submitted to the city or town fiscal body. Establishes the Marion County consolidation study commission. Requires the commission to study the consolidation of local government in Marion County, including the consolidation proposed in the "Indianapolis Works" plan. Requires the commission to issue a
(Continued next page)

Effective: Upon passage; July 1, 2005; January 1, 2006.

Young R Michael, Waltz

(HOUSE SPONSORS — BEHNING, HINKLE)

January 6, 2005, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

February 10, 2005, reported favorably — Do Pass.

February 21, 2005, read second time, amended, ordered engrossed.

February 22, 2005, engrossed.

February 24, 2005, read third time, passed. Yeas 42, nays 6.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Local Government.

March 24, 2005, amended, reported — Do Pass.

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final report to the legislative council before December 1, 2005. Appropriates \$45,000 to the legislative council to hire consultants that are necessary to assist the commission in reviewing and verifying information and data concerning the consolidation of local government in Marion County. Allows Marion County to increase the county option income tax rate for resident county taxpayers by not more than 0.3% (rather than only 0.1%), up to a maximum rate of 1%. Creates the department of administration and equal opportunity in Marion County to replace the existing department of administration. Provides that the department of administration and equal opportunity is responsible for payroll and other human resources and personnel functions for all city and county departments, offices, and agencies. Provides that a member of the airport authority for Marion County who represents a county adjacent to Marion County and in which the authority owns real property and owned the property before July 1, 2005, are voting members.

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March 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 307

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-17-20 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) This section
3 applies:

4 (1) to each governing body of a taxing unit that is not comprised
5 of a majority of officials who are elected to serve on the
6 governing body; and

7 (2) if the proposed property tax levy for the taxing unit for the
8 ensuing calendar year is more than five percent (5%) greater than
9 the property tax levy for the taxing unit for the current calendar
10 year.

11 (b) As used in this section, "taxing unit" has the meaning set forth
12 in IC 6-1.1-1-21, except that the term does not include:

13 (1) a school corporation; or

14 (2) **an entity whose tax levies are subject to review and**
15 **modification by a city-county legislative body under**
16 **IC 36-3-6-9.**

17 (c) If:

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(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted at least fourteen (14) days before the city or town fiscal body is required to hold budget approval hearings under this chapter.

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted at least fourteen (14) days before the county fiscal body is required to hold budget approval hearings under this chapter.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

SECTION 2. IC 6-3.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If on January 1 of a calendar year the county option income tax rate in effect for resident county taxpayers equals six tenths of one percent (0.6%), then the county income tax council of that county may after January 1 and before April 1 of that year pass an ordinance to increase its tax rate for resident county taxpayers. **Except as provided in section 9.6 of this chapter**, if a county income tax council passes an ordinance under this section, its county option income tax rate for resident county taxpayers increases by one tenth of one percent (0.1%) each succeeding July 1 until its rate reaches a maximum of one percent (1%).

(b) The auditor of the county shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 3. IC 6-3.5-6-9.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.6. Notwithstanding any other provision of this chapter, the county income tax council for a county containing a consolidated city may pass an ordinance to increase the county option income tax rate for resident county taxpayers by not more than three-tenths of one percent (0.3%) on the succeeding July 1, up to a maximum rate of one percent (1%).**

SECTION 4. IC 6-3.5-6-11 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The county income tax council of any county may adopt an ordinance to permanently freeze the county option income tax rates at the rate in effect for its county on January 1 of a year.

(b) To freeze the county option income tax rates a county income tax council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Income Tax Council permanently freezes the county option income tax rates at the rate in effect on January 1 of the current year."

(c) An ordinance adopted under the authority of this section remains in effect until rescinded. The county income tax council may rescind such an ordinance after January 1 but before April 1 of any calendar year. Such an ordinance shall take effect July 1 of that same calendar year.

(d) **Except as provided in section 9.6 of this chapter**, if a county income tax council rescinds an ordinance as adopted under this section the county option income tax rate shall automatically increase by one-tenth of one percent (0.01%) until:

(1) the tax rate is again frozen under another ordinance adopted under this section; or

(2) the tax rate equals six tenths of one percent (0.6%) (if the frozen tax rate equaled an amount less than six tenths of one percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled an amount in excess of six tenths of one percent (0.6%)).

(e) The county auditor shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 5. IC 8-22-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. (a) This section applies only to the board of an airport authority established for a county having a consolidated city.

(b) The board consists of members appointed as follows:

(1) The mayor of the consolidated city shall appoint six (6) members. Each member appointed under this subdivision must be a resident of the county having the consolidated city.

(2) The board of commissioners of the county having the consolidated city shall appoint one (1) member. The member appointed under this subdivision must be a resident of the county having the consolidated city.

(3) The county executive of each Indiana county that fulfills all of the following requirements shall each appoint one (1) member:

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(A) The county is adjacent to the county having the consolidated city.

~~(B) The county has a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000).~~

~~(C)~~ (B) The authority:

(i) owns real property in the county; and

(ii) **owned property in the county before July 1, 2005.**

The county executive of a county represented on the board under this subdivision may not appoint an advisory member under section 4(e) of this chapter.

Not more than four (4) members appointed under subdivisions (1) and (2) may be members of the same political party.

(c) At least one (1) member of the board appointed under subsection (b)(1) must also be a resident of a township that:

(1) is located in the county having the consolidated city; and

(2) has a population of:

(A) less than twenty-five thousand (25,000); or

(B) more than one hundred thirty-three thousand (133,000) but less than one hundred fifty thousand (150,000).

(d) A member of the board appointed under subsection (b)(3) **for a county that has a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000)** must be a resident of a township:

(1) located in the county making the appointment; and

(2) having a population of more than twenty thousand (20,000) but less than twenty-five thousand (25,000).

(e) The county executive of a county that is not otherwise represented on the board and that is located not more than one thousand two hundred (1,200) feet from a certified air carrier airport that is owned or operated by the authority may appoint one (1) advisory member to the board. An advisory member appointed under this subsection:

(1) must be a resident of:

(A) the county making the appointment; and

(B) one (1) of the two (2) townships in the county located nearest to the airport;

(2) may not vote on any matter before the board;

(3) serves at the pleasure of the appointing authority; and

(4) serves without compensation or payment for expenses.

(f) A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

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(g) If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

(h) A board member may be reappointed to successive terms.

(i) A board member may be impeached under the procedure provided for the impeachment of county officers.

(j) A board member appointed under subsection (b)(3) may not vote on a matter before the board relating to imposing, increasing, or decreasing property taxes in the county having the consolidated city.

SECTION 6. IC 36-3-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) The following executive departments of the consolidated city are established, subject to IC 36-3-4-23:

- (1) Department of administration **and equal opportunity.**
- (2) Department of metropolitan development.
- (3) Department of public safety.
- (4) Department of public works.
- (5) Department of transportation.
- (6) Department of parks and recreation.

These departments and their divisions have all the powers, duties, functions, and obligations prescribed by law for them as of August 31, 1981, subject to IC 36-3-4-23.

(b) The department of public utilities established under IC 8-1-11.1 continues as an agency of the consolidated city, which is the successor trustee of a public charitable trust created under Acts 1929, c. 78. The department of public utilities is governed under IC 8-1-11.1 and is not subject to this article.

SECTION 7. IC 36-3-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The city-county legislative body ~~may~~ **shall** review ~~and modify~~ the **proposed** operating and maintenance budgets and ~~the tax levies of~~ **and adopt final operating and maintenance budgets and tax levies for each of** the following entities in the county:

- (1) An airport authority operating under IC 8-22-3.
- (2) A health and hospital corporation operating under IC 16-22-8.
- (3) A public library operating under IC 20-14.
- (4) A capital improvement board of managers operating under IC 36-10.
- (5) A public transportation corporation operating under IC 36-9-4.

Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

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(b) The board of each entity listed in subsection (a) shall, after adoption of its **proposed** budget and tax levies, submit them, along with detailed accounts, to the city clerk before the first day of September of each year.

(c) The city-county legislative body may review the issuance of bonds of an entity listed in subsection (a), but approval of the city-county legislative body is not required for the issuance of bonds. **The city-county legislative body may not reduce or modify a budget or tax levy of an entity listed in subsection (a) in a manner that would:**

(1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with the holders of the entity's bonds; or

(2) in any way impair the rights or remedies of the holders of the entity's bonds.

(d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body.

SECTION 8. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 6. Notwithstanding any other provision, the department of administration and equal opportunity is responsible for:**

(1) payroll functions; and

(2) other human resources and personnel functions; for all city and county departments, offices, and agencies.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Marion County consolidation study commission established by subsection (b).

(b) The Marion County consolidation study commission is established.

(c) The commission consists of the following members:

(1) Two (2) members of the house of representatives, not more than one (1) of whom may be a member of the same political party, appointed by the speaker of the house of representatives.

(2) Two (2) members of the senate, not more than one (1) of whom may be a member of the same political party, appointed by the president pro tempore of the senate.

(3) One (1) member appointed by the mayor of Indianapolis.

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(4) One (1) member who is a township trustee in Marion County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Trustees Association.

(5) One (1) member who is an elected township assessor in Marion County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Township Assessors Association.

(6) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Lodge No. 86, Fraternal Order of Police, Inc. One (1) member appointed under this subdivision must be a law enforcement officer employed by the Marion County Sheriff's Department, and one (1) member appointed under this subdivision must be a law enforcement officer employed by the Indianapolis Police Department.

(7) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Metropolitan Professional Firefighters Local 416. One (1) member appointed under this subdivision must be a full-time firefighter employed by a fire department in a Marion County township other than Center Township. One (1) member appointed under this subdivision must be a full-time firefighter employed by the Indianapolis Fire Department.

(8) Two (2) members of the Marion County city-county council appointed by the chairman of the legislative council upon the joint recommendation of the president and the minority leader of the Marion County city-county council.

(9) One (1) member appointed by the chairman of the legislative council upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.

(10) One (1) member appointed by the chairman of the legislative council upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.

(d) The chairman of the legislative council shall appoint a member of the commission as the chair of the commission.

(e) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including the adoption of a final report.

(f) The legislative services agency shall provide staff support for

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1 the commission.

2 (g) Except as otherwise provided in this SECTION, the
3 commission shall operate under the rules and procedures of the
4 legislative council.

5 (h) The commission shall study the consolidation of local
6 government in Marion County, including the consolidation of
7 functions proposed in HB 1435-2005, as introduced, and in the
8 "Indianapolis Works" plan.

9 (i) There is appropriated forty-five thousand dollars (\$45,000)
10 to the legislative council from the state general fund for the period
11 beginning July 1, 2005, and ending June 30, 2006, to hire
12 consultants, including accountants, auditors, and actuaries, that
13 are necessary to assist the commission in reviewing and verifying
14 information and data concerning the consolidation of local
15 government in Marion County. The chairman and vice chairman
16 of the legislative council must approve the hiring of any consultants
17 by the commission.

18 (j) Before July 1, 2005, the city of Indianapolis must submit
19 information concerning the following to the commission, including
20 any data or assumption used by the city in providing the
21 information:

22 (1) The anticipated locations and staffing levels of offices in
23 Marion County providing services related to property
24 assessment and township assistance.

25 (2) The operational efficiencies that may be achieved from the
26 consolidation of law enforcement and firefighting functions.

27 (3) The anticipated law enforcement staffing and patrolling
28 patterns throughout Marion County.

29 (4) The anticipated staffing of each existing fire station in
30 Marion County.

31 (5) The anticipated wages and benefits that would be paid to
32 law enforcement officers and firefighters of the consolidated
33 departments, including any information concerning the
34 timing of expected wage increases for officers and firefighters
35 currently earning less than other officers with comparable
36 rank and experience.

37 (6) The anticipated pension payments to law enforcement
38 officers and firefighters and the funding source of those
39 payments.

40 (7) The amount of any reductions in administrative costs
41 resulting from the consolidation of property assessment,
42 township assistance, law enforcement, and firefighting

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functions.

(8) The amount of any other savings that might occur if services currently provided by township assessors and township trustees (other than township assistance and firefighting services) were transferred to existing county and city departments.

(9) Any other information demonstrating the manner in which the consolidation proposed by HB 1435-2005, as introduced, would affect:

(A) the cost of providing local government services in Marion County;

(B) tax rates, tax levies, and budgets of units of local government in Marion County;

(C) the ability of local government to provide services; and

(D) the ability of citizens to interact with government officials.

(k) Any interested party may submit information and data described in subsection (j) to the commission.

(l) The commission shall issue a final report to the legislative council before December 1, 2005, concerning any findings and recommendations made by the commission.

(m) This SECTION expires December 31, 2005.

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-3.5-6, if the county income tax council for a county containing a consolidated city passes an ordinance described in IC 6-3.5-6-9.6, as added by this act, before June 1, 2005, the increased rate takes effect July 1, 2005.

(b) An ordinance or resolution adopted to increase the rate of the county option income tax for resident county taxpayers under IC 6-3.5-6-9.6, as added by this act, by not more than three-tenths of one percent (0.3%) on the succeeding July 1, up to a maximum rate of one percent (1%), is valid and effective, regardless of whether the ordinance or resolution is passed before, on, or after the effective date of this act.

SECTION 11. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 307, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 307 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 2.

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SENATE MOTION

Madam President: I move that Senate Bill 307 be amended to read as follows:

Page 3, after line 7, begin a new paragraph and insert:

"(d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) which is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body."

(Reference is to SB 307 as printed February 11, 2005.)

YOUNG R MICHAEL

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REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on February 22, 2005, to render an advisory opinion with regard to the question raised by Senator Clark about his participation in the upcoming vote on Senate Bill 307, which is eligible for third reading, due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Clark and hereby recommends that Senator Clark be excused from participation in the vote on third reading for Senate Bill 307 because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 6-0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 307, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 2. IC 6-3.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If on January 1 of a calendar year the county option income tax rate in effect for resident county taxpayers equals six tenths of one percent (0.6%), then the county income tax council of that county may after January 1 and before April 1 of that year pass an ordinance to increase its tax rate for resident county taxpayers. **Except as provided in section 9.6 of this chapter**, if a county income tax council passes an ordinance under this section, its county option income tax rate for resident county taxpayers increases by one tenth of one percent (0.1%) each succeeding July 1 until its rate reaches a maximum of one percent (1%).

(b) The auditor of the county shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 3. IC 6-3.5-6-9.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.6. Notwithstanding any other provision of this chapter, the county income tax council for a county containing a consolidated city may pass an ordinance to increase the county option income tax rate for resident county taxpayers by not more than three-tenths of one percent (0.3%) on the succeeding July 1, up to a maximum rate of one percent (1%).**

SECTION 4. IC 6-3.5-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The county income tax council of any county may adopt an ordinance to permanently freeze the county option income tax rates at the rate in effect for its county on January 1 of a year.

(b) To freeze the county option income tax rates a county income tax council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Income Tax Council permanently freezes the county option income tax rates at the rate in effect on January 1 of the current year."

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(c) An ordinance adopted under the authority of this section remains in effect until rescinded. The county income tax council may rescind such an ordinance after January 1 but before April 1 of any calendar year. Such an ordinance shall take effect July 1 of that same calendar year.

(d) **Except as provided in section 9.6 of this chapter**, if a county income tax council rescinds an ordinance as adopted under this section the county option income tax rate shall automatically increase by one-tenth of one percent (0.01%) until:

- (1) the tax rate is again frozen under another ordinance adopted under this section; or
- (2) the tax rate equals six tenths of one percent (0.6%) (if the frozen tax rate equaled an amount less than six tenths of one percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled an amount in excess of six tenths of one percent (0.6%)).

(e) The county auditor shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 5. IC 8-22-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. (a) This section applies only to the board of an airport authority established for a county having a consolidated city.

(b) The board consists of members appointed as follows:

- (1) The mayor of the consolidated city shall appoint six (6) members. Each member appointed under this subdivision must be a resident of the county having the consolidated city.
- (2) The board of commissioners of the county having the consolidated city shall appoint one (1) member. The member appointed under this subdivision must be a resident of the county having the consolidated city.

(3) The county executive of each Indiana county that fulfills all of the following requirements shall each appoint one (1) member:

(A) The county is adjacent to the county having the consolidated city.

~~(B) The county has a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000).~~

~~(C)~~ (B) The authority:

(i) owns real property in the county; **and**

(ii) **owned property in the county before July 1, 2005.**

The county executive of a county represented on the board under this subdivision may not appoint an advisory member under

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section 4(e) of this chapter.

Not more than four (4) members appointed under subdivisions (1) and (2) may be members of the same political party.

(c) At least one (1) member of the board appointed under subsection (b)(1) must also be a resident of a township that:

(1) is located in the county having the consolidated city; and

(2) has a population of:

(A) less than twenty-five thousand (25,000); or

(B) more than one hundred thirty-three thousand (133,000) but less than one hundred fifty thousand (150,000).

(d) A member of the board appointed under subsection (b)(3) **for a county that has a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000)** must be a resident of a township:

(1) located in the county making the appointment; and

(2) having a population of more than twenty thousand (20,000) but less than twenty-five thousand (25,000).

(e) The county executive of a county that is not otherwise represented on the board and that is located not more than one thousand two hundred (1,200) feet from a certified air carrier airport that is owned or operated by the authority may appoint one (1) advisory member to the board. An advisory member appointed under this subsection:

(1) must be a resident of:

(A) the county making the appointment; and

(B) one (1) of the two (2) townships in the county located nearest to the airport;

(2) may not vote on any matter before the board;

(3) serves at the pleasure of the appointing authority; and

(4) serves without compensation or payment for expenses.

(f) A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

(g) If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

(h) A board member may be reappointed to successive terms.

(i) A board member may be impeached under the procedure provided for the impeachment of county officers.

(j) A board member appointed under subsection (b)(3) may not vote on a matter before the board relating to imposing, increasing, or decreasing property taxes in the county having the consolidated city.

SECTION 6. IC 36-3-5-4 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) The following executive departments of the consolidated city are established, subject to IC 36-3-4-23:

- (1) Department of administration **and equal opportunity.**
- (2) Department of metropolitan development.
- (3) Department of public safety.
- (4) Department of public works.
- (5) Department of transportation.
- (6) Department of parks and recreation.

These departments and their divisions have all the powers, duties, functions, and obligations prescribed by law for them as of August 31, 1981, subject to IC 36-3-4-23.

(b) The department of public utilities established under IC 8-1-11.1 continues as an agency of the consolidated city, which is the successor trustee of a public charitable trust created under Acts 1929, c. 78. The department of public utilities is governed under IC 8-1-11.1 and is not subject to this article."

Page 3, line 9, delete "which" and insert "**that**".

Page 3, after line 12, begin a new paragraph and insert:

"SECTION 8. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2006]: **Sec. 6. Notwithstanding any other provision, the department of administration and equal opportunity is responsible for:**

- (1) payroll functions; and
 - (2) other human resources and personnel functions;
- for all city and county departments, offices, and agencies.**

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Marion County consolidation study commission established by subsection (b).

(b) The Marion County consolidation study commission is established.

(c) The commission consists of the following members:

- (1) Two (2) members of the house of representatives, not more than one (1) of whom may be a member of the same political party, appointed by the speaker of the house of representatives.
- (2) Two (2) members of the senate, not more than one (1) of whom may be a member of the same political party, appointed by the president pro tempore of the senate.
- (3) One (1) member appointed by the mayor of Indianapolis.
- (4) One (1) member who is a township trustee in Marion

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County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Trustees Association.

(5) One (1) member who is an elected township assessor in Marion County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Township Assessors Association.

(6) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Lodge No. 86, Fraternal Order of Police, Inc. One (1) member appointed under this subdivision must be a law enforcement officer employed by the Marion County Sheriff's Department, and one (1) member appointed under this subdivision must be a law enforcement officer employed by the Indianapolis Police Department.

(7) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Metropolitan Professional Firefighters Local 416. One (1) member appointed under this subdivision must be a full-time firefighter employed by a fire department in a Marion County township other than Center Township. One (1) member appointed under this subdivision must be a full-time firefighter employed by the Indianapolis Fire Department.

(8) Two (2) members of the Marion County city-county council appointed by the chairman of the legislative council upon the joint recommendation of the president and the minority leader of the Marion County city-county council.

(9) One (1) member appointed by the chairman of the legislative council upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.

(10) One (1) member appointed by the chairman of the legislative council upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.

(d) The chairman of the legislative council shall appoint a member of the commission as the chair of the commission.

(e) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including the adoption of a final report.

(f) The legislative services agency shall provide staff support for the commission.

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(g) Except as otherwise provided in this SECTION, the commission shall operate under the rules and procedures of the legislative council.

(h) The commission shall study the consolidation of local government in Marion County, including the consolidation of functions proposed in HB 1435-2005, as introduced, and in the "Indianapolis Works" plan.

(i) There is appropriated forty-five thousand dollars (\$45,000) to the legislative council from the state general fund for the period beginning July 1, 2005, and ending June 30, 2006, to hire consultants, including accountants, auditors, and actuaries, that are necessary to assist the commission in reviewing and verifying information and data concerning the consolidation of local government in Marion County. The chairman and vice chairman of the legislative council must approve the hiring of any consultants by the commission.

(j) Before July 1, 2005, the city of Indianapolis must submit information concerning the following to the commission, including any data or assumption used by the city in providing the information:

- (1) The anticipated locations and staffing levels of offices in Marion County providing services related to property assessment and township assistance.
- (2) The operational efficiencies that may be achieved from the consolidation of law enforcement and firefighting functions.
- (3) The anticipated law enforcement staffing and patrolling patterns throughout Marion County.
- (4) The anticipated staffing of each existing fire station in Marion County.
- (5) The anticipated wages and benefits that would be paid to law enforcement officers and firefighters of the consolidated departments, including any information concerning the timing of expected wage increases for officers and firefighters currently earning less than other officers with comparable rank and experience.
- (6) The anticipated pension payments to law enforcement officers and firefighters and the funding source of those payments.
- (7) The amount of any reductions in administrative costs resulting from the consolidation of property assessment, township assistance, law enforcement, and firefighting functions.

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(8) The amount of any other savings that might occur if services currently provided by township assessors and township trustees (other than township assistance and firefighting services) were transferred to existing county and city departments.

(9) Any other information demonstrating the manner in which the consolidation proposed by HB 1435-2005, as introduced, would affect:

- (A) the cost of providing local government services in Marion County;
- (B) tax rates, tax levies, and budgets of units of local government in Marion County;
- (C) the ability of local government to provide services; and
- (D) the ability of citizens to interact with government officials.

(k) Any interested party may submit information and data described in subsection (j) to the commission.

(l) The commission shall issue a final report to the legislative council before December 1, 2005, concerning any findings and recommendations made by the commission.

(m) This SECTION expires December 31, 2005.

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-3.5-6, if the county income tax council for a county containing a consolidated city passes an ordinance described in IC 6-3.5-6-9.6, as added by this act, before June 1, 2005, the increased rate takes effect July 1, 2005.

(b) An ordinance or resolution adopted to increase the rate of the county option income tax for resident county taxpayers under IC 6-3.5-6-9.6, as added by this act, by not more than three-tenths of one percent (0.3%) on the succeeding July 1, up to a maximum rate of one percent (1%), is valid and effective, regardless of whether the ordinance or resolution is passed before, on, or after the effective date of this act.

SECTION 11. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 307 as reprinted February 22, 2005.)

HINKLE, Chair

Committee Vote: yeas 7, nays 4.

ES 307—LS 7066/DI 44+



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